REMARKS

This is a full and timely response to the final Office Action mailed on October 5, 2004 (Paper No. 12). Claims 239-278 are pending in the present Application. Reconsideration and allowance of the application and present claims are respectfully requested. Applicants should not be presumed to agree with any statements made regarding the rejections and objections made in the Office Action unless otherwise specifically indicated by the Applicants.

I. Interview Summary

Applicant appreciates the time Examiner Bui spent with Applicants' representatives, Minh Nguyen and Arturo Rodriguez in a telephone interview on January 27, 2005. The discussion of the interview focused on the proposed claims and figures. In addition, the discussion focused on the cited *Young* reference.

During the discussion, the Examiner provided some suggestions in amending the claims in order to clarify the claims. We have added those suggestions into the claims and respectfully submit that the amended claims are in condition for allowance.

II. Response to Claim Rejections Under 35 U.S.C. § 102

Claims 239-278 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,532,754 to *Young, et al.* Applicant respectfully traverses this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A.   Claim 239

Claim 239, as amended, recites:

> A method for providing television services by a television set-top terminal ("STT"), comprising:
> receiving by the STT a first user input including information for,
>> setting a start time and an end time defining a first time interval, and
>> associating a user preference corresponding to at least one parameter with the first time interval;
> *responsive to receiving the first user input,*
>> *storing data in memory identifying the association of the at least one parameter with the first time interval,* and
>> *enabling access to purchasable television services for the duration of the first time interval according to the at least one parameter;*
> *receiving by the STT a second user input requesting a purchasable television service corresponding to the at least one parameter;* and
> responsive to receiving the second user input,
>> accessing the data in memory identifying the association of the at least one parameter with the first time interval,
>> *determining whether the request is for viewing the purchasable television service during the first time interval,*
>> *enabling by the STT a purchase of the purchasable television service responsive to determining that the request is for viewing the purchasable television service during the first time interval, and*
>> *preventing by the STT the purchase of the purchasable television service responsive to determining that the request is for viewing the purchasable television service outside the first time interval.*

(Emphasis Added)

i.   *Young* teaches a system involving a television program and not a system involving purchasing a purchasable television service as recited in claim 239

Young discloses that "[o]ne aspect of the present invention relates generally to a system and process that allows a television viewer to access on screen television program listings and use the program listings in an easy and convenient way to control operation of a video cassette recorder (VCR) or other recording device. In particular, it relates to a system and process that displays on a television screen, overlaying a primary television display or program, a small background schedule guide that can be easily accessed by a user during lulls in the primary television display or program." (Column 1, lines 23-31). Consequently, Applicant respectfully submits that a television service and a television program are different. Claim 239 recites a purchasable television service, not a program. Thus, a *prima facie* case of anticipation cannot be established regarding claim 239. Applicant respectfully requests that claim 239 be allowed and the rejection be withdrawn.

ii.   *Young* does not teach the element of "responsive to receiving the first user input ... enabling access to purchasable television services for the duration of the first time interval according to the at least one parameter," as recited in claim 239

In fact, the time window described in column 22, line 50 to column 23, line 40 and Figure 25 of *Young* refers to limiting a request to display the program listings during a display session of the schedule guide to programs with broadcast times corresponding to the time window. It does not refer to limiting a request to purchase a purchasable television service. Applicants would like to point out that a pay-per-view (PPV) event (or a PPV program) cannot be purchased after the PPV program's start time or a short interval of time thereafter, typically two minutes. Typically, a PPV event can only be purchased during the "PPV purchase time window", which is defined by a cable network operator. A user cannot purchase a PPV event after the purchase time window has expired.

Applicant respectfully submits that *Young* does teach the element of "responsive to receiving the first user input ... enabling access to purchasable television services for the duration of the first time interval according to the at least one parameter," as recited in claim

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239. Thus, a *prima facie* case of anticipation cannot be established regarding claim 239. Applicants respectfully request that claim 239 be allowed and the rejection be withdrawn.

iii.   *Young* does not teach the element of "responsive to receiving the first user input ... enabling receiving by the STT a second user input requesting a purchasable television service corresponding to the at least one parameter," as recited in claim 239

In fact, *Young* discloses that *Young* user input to a *Young* VCR requests to display program listings, and not to purchase a purchasable television service, as recited in claim 239. Figs. 16-17 and column 13, line 50 to column 14, line 9 of *Young* teach displaying information and NOT requesting a PPV program, as recited in claim 239. Applicants would like to point out that requesting a PPV program, as recited in claim 239, constitutes execution of a purchase transaction in a STT. Consequently, Applicant respectfully submits that *Young* does not teach the element of "responsive to receiving the first user input ... enabling receiving by the STT a second user input requesting a purchasable television service corresponding to the at least one parameter," as recited in claim 239. Thus, a *prima facie* case of anticipation cannot be established regarding claim 239. Applicant respectfully requests that claim 239 be allowed and the rejection be withdrawn.

iv.   *Young* does not teach the element of "determining whether the request is for viewing the purchasable television service during the first time interval," as recited in claim 239

The Office Action alleged that *Young* on column 22, line 50 to column 23, line 40 discloses the feature of "determining whether the request is for viewing the purchasable television service during the first time interval," (Emphasis Added) as recited in claim 239. In fact, *Young* apparently refers to determining which programs to display in program listings in a user-defined time interval as shown in Fig. 25 of *Young*. Applicant respectfully submits that *Young* does not teach the element of "determining whether the request is for viewing the purchasable television service during the first time interval," as recited in claim 239. Thus, a *prima facie* case of anticipation cannot be established regarding claim 239. Applicant respectfully requests that claim 239 be allowed and the rejection be withdrawn.

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v. *Young* does not teach the element of "storing data in memory identifying the association of the at least one parameter with the first time interval," as recited in claim 239

The Office Action alleged that *Young* on column 22, line 50 to column 23, line 40 discloses the feature of "storing data in memory identifying the association of the at least one parameter with the first time interval," as recited in claim 239. In fact, *Young* apparently refers to *Young* memory 2046 in *Young* VCR 2014 that stores *Young* remote control codes or conversion from a first to a second remote control code, not in *Young* cable TV decoder 2012. (Column 20, lines 7-34, column 20, lines 62-63, and column 18, lines 9-20). Applicant respectfully submits that *Young* memory 2046 in *Young* VCR 2014 is not the claimed memory of the claimed STT as recited in claim 239. Applicant respectfully submits that *Young* does not teach the element of "storing data in memory identifying the association of the at least one parameter with the first time interval," as recited in claim 239. Thus, a *prima facie* case of anticipation cannot be established regarding claim 239. Applicant respectfully requests that claim 239 be allowed and the rejection be withdrawn.

vi. *Young* does not teach the element of "enabling by the STT a purchase of the purchasable television service responsive to determining that the request is for viewing the purchasable television service during the first time interval; and preventing by the STT the purchase of the purchasable television service responsive to determining that the request is for viewing the purchasable television service outside the first time interval," as recited in claim 239

As mentioned above, *Young* discloses that *Young* user input to a *Young VCR* requests to display program listings, and not purchasing a purchasable television service, as recited in claim 239. Figs. 16-17 and column 13, line 50 to column 14, line 9 of *Young* teach displaying information and NOT requesting a PPV program, as recited in claim 239. Applicant would like to point out that requesting a PPV program, as recited in claim 239, constitutes execution of a purchase transaction in a STT. Consequently, Applicant respectfully submits that *Young* does not teach the element of "enabling by the STT a purchase of the purchasable television service responsive to determining that the request is for viewing the purchasable television service during the first time interval; and preventing by the STT the purchase of the purchasable television service responsive to determining that the request is for viewing the purchasable

television service outside the first time interval," as recited in claim 239. Thus, a *prima facie* case of anticipation cannot be established regarding claim 239. Applicant respectfully requests that claim 239 be allowed and the rejection be withdrawn.

B.   Claim 250

Claim 250, as amended, recites:

> A method for providing television services by a television set-top terminal ("STT"), comprising:
> ***receiving by the STT a first user input including information for,***
> > ***setting a start time and an end time defining a first time interval, and***
> > ***associating a user preference corresponding to at least one parameter with the first time interval;***
> ***responsive to receiving the first user input,***
> > ***storing data in memory identifying the association of the at least one parameter with the first time interval,*** and
> > enabling the recording of television services for the duration of the first time interval according to the at least one parameter;
> receiving by the STT a request for recording a television service corresponding to the at least one parameter; and
> responsive to receiving the request for recording the television service,
> > accessing the association of the at least one parameter with the first time interval,
> > ***determining whether the request is for recording the television service during the first time interval,***
> > ***enabling a recording of the television service responsive to determining that the request is for recording the television service during the first time interval, and***
> > ***preventing the recording of the television service responsive to determining that the request is for recording the television service outside the first time interval.***

(Emphasis Added)

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i.   <u>*Young* teaches a system involving a television program and not a system involving purchasing a purchasable television service as recited in claim 250</u>

As mentioned above, *Young* discloses that "[o]ne aspect of the present invention relates generally to a system and process that allows a television viewer to access on screen television program listings and use the program listings in an easy and convenient way to control operation of a video cassette recorder (VCR) or other recording device. In particular, it relates to a system and process that displays on a television screen, overlaying a primary television display or program, a small background schedule guide that can be easily accessed by a user during lulls in the primary television display or program." (Column 1, lines 23-31). Consequently, Applicant respectfully submits that a <u>television service</u> and a <u>television program</u> are different. Claim 250 recites a television service, not a program. Thus, a *prima facie* case of anticipation cannot be established regarding claim 250. Applicant respectfully requests that claim 250 be allowed and the rejection be withdrawn.

ii.   <u>*Young* does not teach the element of "storing data in memory identifying the association of the at least one parameter with the first time interval," as recited in claim 250</u>

As mentioned above with reference to claim 239, *Young* apparently refers to *Young* memory 2046 in *Young* VCR 2014 that stores *Young* remote control codes or conversion from a first to a second remote control code, not in *Young* cable TV decoder 2012. (Column 20, lines 7-34, column 20, lines 62-63, and column 18, lines 9-20). Applicant respectfully submits that *Young* memory 2046 in *Young* VCR 2014 is not the claimed memory of the claimed STT. Applicant respectfully submits that *Young* does not teach the element of "storing data in memory identifying the association of the at least one parameter with the first time interval," as recited in claim 239. Thus, a *prima facie* case of anticipation cannot be established regarding claim 250. Applicant respectfully requests that claim 250 be allowed and the rejection be withdrawn.

iii.   <u>*Young* does not teach the element of "determining whether the request is for recording the television service during the first time interval," as recited in claim 250</u>

The Office Action alleged that *Young* on column 22, line 50 to column 23, line 40 discloses the feature of "determining whether the request is for recording the television service <u>during the first time interval</u>," (Emphasis Added) as recited in claim 250. In fact, *Young*

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apparently refers to determining which *Young* programs to display in *Young* program listings in a *Young* user-defined time interval as shown in Fig. 25 of *Young*. The *Young* start and end time of a *Young* recorded program are not defined by the *Young* user. Applicant respectfully submits that *Young* does not teach the element of "determining whether the request is for viewing the purchasable television service during the first time interval," as recited in claim 239. Thus, a *prima facie* case of anticipation cannot be established regarding claim 239. Applicant respectfully requests that claim 239 be allowed and the rejection be withdrawn.

> *iv.* *Young* does not teach the element of "enabling a recording of the television service responsive to determining that the request is for recording the television service during the first time interval; and preventing the recording of the television service responsive to determining that the request is for recording the television service outside the first time interval," as recited in claim 250

As mentioned above, Applicant respectfully submits that a television service and a television program are different. Claim 250 recites a television service, not a program. In addition, as mentioned above, *Young* apparently refers to determining which *Young* programs to display in *Young* program listings in a *Young* user-defined time interval as shown in Fig. 25 of *Young*. The *Young* start and end time of a *Young* recorded program are not defined by the *Young* user. Accordingly, Applicant respectfully submits that *Young* does teach the element of "enabling a recording of the television service responsive to determining that the request is for recording the television service during the first time interval; and preventing the recording of the television service responsive to determining that the request is for recording the television service outside the first time interval," (Emphasis Added) as recited in claim 250. Thus, a *prima facie* case of anticipation cannot be established regarding claim 250. Applicant respectfully requests that claim 250 be allowed and the rejection be withdrawn.

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Claim 262

Claim 262, as amended, recites:

A method implemented by a television set-top terminal ("STT") comprising:
receiving by the STT a first user input effecting,
defining a plurality of contiguous time intervals including a first time interval, a second time interval, and a third time interval, the second time interval being between the first and third time intervals,
storing data in memory identifying whether a television function corresponding to a first parameter is to be enabled during the first time interval, wherein the first parameter corresponds to at least one of a television channel characteristic, a television program characteristic, and a television service characteristic, and
storing data in the memory identifying whether television function corresponding to a second parameter is to be enabled during the second time interval, wherein the second parameter corresponds to at least one of a television channel characteristic, a television program characteristic, and a television service characteristic;
receiving by the STT a second user input requesting that a first television function corresponding to the first parameter be provided during the first time interval; and
responsive to receiving the second user input,
accessing data in the memory identifying whether a television function corresponding to the first parameter is to be enabled during the first time interval,
determining whether the first television function is to be enabled responsive to the data in the memory identifying whether a television function corresponding to the first parameter is to be enabled during the first time interval,
enabling the first television function responsive to determining that the first television function is to be enabled during the first time interval, and
preventing the first television function from being implemented responsive to determining that the first television function is not to be enabled during the first time interval.

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(Emphasis Added)

Claim 262 has been amended to clarify that the features of accessing, determination, enabling and preventing to be responsive to receiving the user input. Claim 262 has been also amended to clarify that the plurality of time intervals is defined at the STT.

As mentioned above, *Young* discloses that "[o]ne aspect of the present invention relates generally to a system and process that allows a television viewer to access on screen television program listings and use the program listings in an easy and convenient way to control operation of a video cassette recorder (VCR) or other recording device. In particular, it relates to a system and process that displays on a television screen, overlaying a primary television display or program, a small background schedule guide that can be easily accessed by a user during lulls in the primary television display or program." (Column 1, lines 23-31). Consequently, *Young* does not teach a determination to enable or prevent a television function responsive to receiving a user input requesting the television function corresponding to a parameter during one of a plurality of time intervals defined at the STT, as recited in claim 262. Accordingly, a *prima facie* case of anticipation cannot be established regarding claim 262. Applicant respectfully requests that claim 262 be allowed and the rejection be withdrawn.

C.   Claim 274

Claim 274, as amended, recites:

A method implemented by a television set-top terminal ("STT") comprising:

receiving by the STT a first user input defining a plurality of contiguous time intervals including a first time interval, a second time interval, and a third time interval, the second time interval being between the first and third time intervals;

receiving by the STT a second user input;

storing data in memory identifying whether a first television function is to be enabled during the first time interval responsive to receiving the first user input, wherein the first television function includes at least one of enabling recording a television service, enabling a purchase transaction, providing television program information, and tuning to a television channel;

receiving by the STT a third user input;

storing data in the memory identifying whether a second television function is to be enabled during the second time interval

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responsive to receiving the second user input, wherein the second television function includes at least one of enabling recording a television service, enabling a purchase transaction, providing television program information, and tuning to a television channel;

receiving user input requesting that the first television function be provided during the first time period; and

responsive to receiving the request for the first television function,

accessing data in the memory identifying whether the first television function is to be enabled during the first time interval,

determining whether the first television function is to be enabled responsive to the data in the memory identifying whether the first television function is to be enabled during the first time interval,

enabling the first television function during the first time period responsive to determining that the first television function is to be enabled during the first time interval, and

preventing the first television function from being implemented during the first time period responsive to determining that the first television function is not to be enabled during the first time interval.

(Emphasis Added)

Claim 274 has been amended to clarify that the features of accessing, determination, enabling and preventing to be responsive to receiving the user input. Claim 274 has been also amended to clarify that the plurality of time intervals is defined at the STT.

As mentioned above, *Young* discloses that "[o]ne aspect of the present invention relates generally to a system and process that allows a television viewer to access on screen television program listings and use the program listings in an easy and convenient way to control operation of a video cassette recorder (VCR) or other recording device. In particular, it relates to a system and process that displays on a television screen, overlaying a primary television display or program, a small background schedule guide that can be easily accessed by a user during lulls in the primary television display or program." (Column 1, lines 23-31). Consequently, *Young* does not teach a determination to enable or prevent a television function responsive to receiving a user input requesting the television function corresponding to a parameter during one of a plurality of time intervals defined at the STT, as recited in claim 274. Accordingly, a *prima facie* case of anticipation cannot be established regarding claim 274. Applicant respectfully requests that

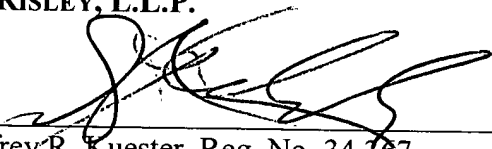claim 274 be allowed and the rejection be withdrawn.

D.   <u>Claims 240-249, 251-261, 263-273, and 275-278</u>

Because independent claims 239, 250, 262, and 274 are allowable over the cited art of record, dependent claims 240-249, 251-261, 263-273, and 275-278 are allowable as a matter of law for at least the reason that dependent claims 240-249, 251-261, 263-273, and 275-278 contain all features and elements of their respective independent base claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Accordingly, the rejection to dependent claims 240-249, 251-261, 263-273, and 275-278 should be withdrawn for at least this reason, among others.

CONCLUSION

Applicants respectfully maintain that the currently pending claims 239-278 are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

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